

Connecticut Restaurant Association

Testimony before the Judiciary Committee

March 24, 2009

Regarding RB 490 AAC THE LIABILITY OF SERVERS OF ALCOHOL

The Connecticut Restaurant Association is in support of RB 490 which makes various changes to Connecticut's Dram Shop law. Dram shop laws allow recovery against the seller of liquor by a person who is injured by an intoxicated person who was served at a restaurant or bar. In 2003, the monetary limit under the Act was increased from \$50,000 to \$250,000. Since that change, the number of dram shop cases has increased dramatically. Restaurants and bars are seen as the deep pocket. This has also meant that insurance premiums have significantly increased and restaurants are often unable to obtain affordable insurance coverage. Some cannot get coverage at all.

Therefore, this bill is a welcome relief. It is time to start looking at ways to reduce the restaurants liability, creating more personal responsibility on the part of the individuals who are drinking and driving, and making Connecticut a place where insurers are willing to write coverage again.

We are supportive of the option to have a breathalyzer on premises so that a customer will be able to know for certain if they have had too much to drink. We are further supportive of Section 2 which would encourage restaurants and bars to properly train their employees in the safe serving of alcohol. ServSafe alcohol programs teach employees how to effectively deal with fake ids, underage drinkers and how to make the right decision in critical situations. They also learn about details of the liquor laws in Connecticut. Those include restrictions on drink promotions; one drink per person, use of the statement of age forms and other nuances of the Connecticut law, that when fully integrated into the day to day operations of restaurants and bars, will have a positive effect on the reduction of over-consumption of alcohol and ultimately reducing accidents.

We are supportive of section 3 which codifies the common law in this area and is consistent with the dram shop laws in other states.

Regarding section 4, while we understand that some Police Departments may not be completing investigations in a timely manner, and some may not be providing reports at all, we would urge the committee to extend the notice requirement and statute of limitations *only* in cases where the plaintiff cannot independent ascertain the identity of the seller of alcohol or the permit holder. It is critical to the restaurant's defense that they have timely notice in order to conduct their own investigation.

We thank you for raising this raising this bill and ask for your support.